

### **REMARKS**

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action mailed July 14, 2004. The Office Action Summary indicates that **claims 17, 32 and 49** are objected to. However, the Detailed Office Action indicates that **claims 19, 32 and 49** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Since **claims 17, 32 and 49** recite similar subject matter, the Applicants assume that the reference to **claim 19** in the Detailed Action is a typographical error. Additionally, the Applicants note that **claim 56** recites subject matter similar to that recited in **claims 17, 32 and 49**. Therefore, it is respectfully submitted that the Examiner may have intended to indicate the allowability of **claim 56** as well.

The indication of allowable subject matter is noted with appreciation. Nevertheless, amendment, reexamination and reconsideration of the application are respectfully requested.

### **The Office Action**

In the Office Action mailed July 14, 2004:

**claims 17 (19?), 32 and 49** were found to include allowable subject matter;  
**claims 1-4, 6-10, 12-14, 18-21, 24-29, 35-38, and 41-46** were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,802,106 to Kugell et al. ("Kugell");

**claims 11, 15, 16, 30, 31, 33, 47 and 48** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell;

**claims 34 and 50-57** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell in view of U.S. Patent No. 5,206,901 to Harlow et al. ("Harlow"); and

**claims 5, 22, 23, 39 and 40** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell in view of U.S. Patent No. 5,329,578 to Brennan ("Brennan").

### **The Claims Are Not Anticipated**

**Claims 1-4, 6-10, 12-14, 18-21, 24-29, 35-38, and 41-46** were rejected under 35 U.S.C. §102(b) as being anticipated by Kugell.

However, **claims 1-4, 12, 14, 28, 35, 36, and 41-43** have been canceled. **Claims 8, 10, 18, 24, 37 and 44** have been amended to recite subject matter similar to

that recited in **claims 15, 30, 47 and 54** (terminating upon termination of the incoming call leg). **Claims 9, 19, 25, 38 and 45** have been amended to recite subject similar to that recited in **claims 16, 31, 48 and 55** (terminating upon termination of the penultimate call leg). **Claims 21 and 27** have been amended to recite subject matter similar to that recited in **claim 34** (the switching center comprises a mobile switching center). **Claim 26** has been amended to recite subject matter similar to that recited in **claim 33** (the database comprises a home location register).

**Claims 15, 16, 30, 31, 33, 34, 47 and 48** were not found to be anticipated by Kugell. Therefore, it is respectfully submitted that amended **claims 8-10, 18, 19, 21, 24, 25-27, 37, 38, 44 and 45** are not anticipated by Kugell. Additionally, **claim 6** depends from **claim 5** and **claim 7** has been amended to depend from **claim 5**. The Office Action does not assert that **claim 5** was anticipated. Therefore, **claims 6 and 7** are not anticipated by Kugell.

The remaining claims that were rejected under 35 U.S.C. §102(b) as being anticipated by Kugell (**claims 13, 29 and 46**) have been placed in independent form.

**Claims 13, 29 and 46** recite a method, system and apparatus for telecommunication conferencing in a multiple leg telecommunication session respectively. Each claim is related to providing or including an interface with a database for subscriber determination of the plurality of secondary directory numbers and a conferencing mode. In explaining the rejection of **claims 13, 29 and 46**, the Office Action asserts that Kugell discloses the plurality of secondary directory numbers corresponding to the primary directory number are predefined and stored in database. In support of this assertion the Office Action directs the attention of the Applicants to microprocessor **142** and its associated memory **143** as well as column 2, lines 2-4 and column 5, lines 1-5.

However, column 2, lines 2-4 simply indicate that a party to be a caller can submit a list of numbers to a telephone switching office for associating with a representative number. It is respectfully submitted that disclosure of submitting a list does not disclose or suggest providing an interface such as the interface disclosed in the present application and recited in **claims 13, 29 and 46** (for example, see page 12, lines 10-15, page 15, lines 7-16). Column 5, lines 1-5 indicates that when the microprocessor of Kugell receives a called telephone number from a called number detection circuit, the microprocessor **142** looks in memory **143** to see if there is a list of numbers associated therewith. However, it is respectfully submitted that disclosure of

looking in a memory to see if a list is there does not disclose or suggest providing an interface with the database for subscriber determination of the plurality of secondary directory numbers and a conferencing mode.

For at least the foregoing reasons, newly independent **claims 13, 29 and 46**, as well as **claims 10, 11, 24, 25, 26, 27, 44 and 45**, which depend respectively therefrom, are not anticipated and are not obvious in light of Kugell.

### **The Claims Are Not Obvious**

**Claims 11, 15, 16, 30, 31, 33, 47 and 48** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell.

**Claim 11** has been amended to recite subject matter similar to that recited by **claim 15**.

In explaining the rejections of **claims 15, 16, 30, 31, 47 and 48**, the Office Action stipulates that Kugell does not disclose or suggest terminating the multiple leg telecommunication conference session upon termination of the incoming call leg, or upon a penultimate call leg remaining from a plurality of call legs forming the multiple leg telecommunication conferencing session. Nevertheless, the Office Action asserts that terminating the conference session upon a penultimate call leg being terminated is obvious and well known in the art. The Applicants respectfully disagree.

The Office Action stipulates that Kugell does not disclose or suggest terminating the multiple leg telecommunication session upon termination of the incoming call leg or penultimate call leg and the Office Action provides no other reference indicating that termination of a conference call when the incoming call leg terminates or terminating a conference call upon a penultimate call leg being terminated was known at the time the present invention was made.

Instead, the Office Action asserts that the advantage of terminating upon a penultimate call leg being terminated is that simply there would not be a conference if there is only one conferee left. However, it is respectfully submitted that conference systems may well depend upon the final conferee to hang up and terminate the conference call that way, without making provision for terminating the conference call when the penultimate call leg is terminated. Additionally, conferencing systems might not terminate when the incoming call leg is terminated; opting instead to allow remaining conferees to continue their conversation. It is respectfully submitted that the only disclosure or suggestion to terminate a conference call upon the termination of a

penultimate call leg or upon termination of the incoming call leg is found in the present application. Therefore, the rejection of **claims 15, 16, 30, 31, 47 and 48** is based on impermissible hindsight.

For at least the foregoing reasons, **claims 15, 16, 30, 31, 47 and 48**, as well as **claims 8, 10, 18, 24, 37, 44, 9, 11, 19, 25, 38, 45 and 46**, which have been amended to recite similar subject matter, and **claims 54 and 55**, which also recite terminating upon termination of the incoming call leg and terminating upon termination of the penultimate call leg respectively, are not anticipated and are not obvious in light of Kugell.

In explaining the rejection of **claim 33**, the Office Action stipulates that Kugell does not disclose or suggest that the database is a home location register. However, the Office Action asserts that the home location register is inherent in mobile communication and that it has the same function as the database in the switching network. However, it is respectfully submitted that the fact that a home location register is inherent in mobile communications does not disclose or suggest that home location register can or should be modified to act as a database having stored in a memory a plurality of secondary directory numbers associated with a primary directory number which is designated when a person places a call.

Additionally, **claim 33** has been amended to depend from **claim 32**. The Office Action indicates that **claim 32** includes allowable subject matter. **Claim 32** has been placed in independent form including all the limitations of the base claim and any intervening claims.

For at least the foregoing reasons, **claim 33**, is not anticipated and is not obvious in light of Kugell.

**Claims 20 and 26** have been amended to recite subject matter similar to subject matter recited in **claim 33**. In this regard, arguments similar to arguments submitted in support of **claim 33** are submitted in support of **claims 20 and 26**.

Additionally, **claims 20 and 26** have been amended to depend from newly independent **claims 22 and 29**, respectively. Arguments, for the allowability of newly independent **claims 22 and 29** are presented below and above, respectively.

For at least the foregoing reasons, **claims 20 and 26** are not anticipated and are not obvious in light of Kugell.

**Claims 34 and 50-57** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell in view of Harlow.

However, **claim 34** has been amended to depend from **claim 32** and the Office

Action indicates that **claim 32** includes allowable subject matter. Additionally, **claim 32** has been placed in independent form.

For at least the foregoing reasons, **claim 34** is not anticipated and is not obvious in light of Kugell and Harlow taken alone or in any combination.

**Claims 50 and 51** have been amended to recite subject matter similar to that recited in **claim 57** and to depend from **claims 52 and 53** respectively.

In explaining the rejection of **claim 57**, the Office Action stipulates that Kugell does not disclose the reception of a LocationRequest containing a pilot directory number, the home location register transmitting an ANSI-41 compatible LocationRequest RETURN RESULT to a mobile switching center, the ANSI-41 compatible LocationRequest RETURN RESULT containing a list of each secondary directory number, the conference parameter, and corresponding routing, answering and terminating parameters for each secondary directory number. However, the Office Action asserts that the use of ANSI-41 protocol is obvious at least in mobile communications.

Nevertheless, it is respectfully submitted that using or adapting a Location Request RETURN RESULT in the manner disclosed in the present application and recited in **claims 57, 50 and 51** is not obvious. The Office Action stipulates that Kugell does not disclose it, and only asserts that the use of ANSI-41 protocol is obvious. The Office Action does not assert, and provides no support for an assertion that, a home location register transmitting an ANSI-41 compatible location request return result including a list of each secondary directory number, a conference parameter, corresponding routing, answering and terminating parameters for each secondary directory number is obvious.

Additionally, **claim 50** depends from **claim 52** which has been placed in independent form and recites subject matter related to retrying a secondary directory number associated with an unanswered call leg. Arguments directed toward the allowability of **claim 52** are presented below.

**Claim 51** depends from **claim 53**, which has been placed in independent form and recites an interface coupled to the home location register for subscriber determination of the plurality of secondary directory numbers and the conference parameter. Arguments directed toward the allowability of **claim 53** are presented below.

For at least the foregoing reasons, it is respectfully submitted that **claims 57, 50**

**and 51** are not anticipated and are not obvious in light of Kugell and Harlow taken alone or in any combination.

**Claims 52, 53 and 56** have been placed in independent form. **Claims 51-56** were rejected for the same reasons as discussed with respect to **claims 3, 4, 5, 13, 15-17**. This appears to be an indication that **claim 52** was rejected for the same reasons as **claim 5**, that **claim 53** was rejected for the same reason as **claim 13** and **claim 56** was rejected for the same reason as **claim 17**. However, as mentioned above, the Office Action summary indicates that **claim 17** includes allowable subject matter. **Claim 17** includes subject matter similar to that recited in **claims 32 and 49**, which were also found to include allowable subject matter. Therefore, the reference to **claim 19** on page 7 of the Office Action is assumed to be a typographical error. **Claim 56** has been placed in independent form and recites subject matter similar to that recited in **claims 17, 32 and 49** (differentially processing).

For at least the foregoing reasons, it is respectfully submitted that **claim 56**, as well as **claim 57**, which depends therefrom, is not anticipated and is not obvious in light of Kugell and Harlow taken alone or in any combination.

**Claim 53** has been placed in independent form and, as mentioned above, recites, among other things, an interface coupled to the home location register for subscriber determination of the plurality of secondary directory numbers and the conference parameter. Arguments similar to those submitted in support of **claim 13** are submitted in support of **claim 53**. The reference to a party submitting a list of numbers to a telephone switching office in column 2 of Kugell is not a disclosure or a suggestion of an interface such as that disclosed in the present application and recited in **claim 53**.

For at least the foregoing reasons, **claim 53**, as well as **claims 51, 54 and 55**, which depend therefrom, is not anticipated and is not obvious in light of Kugell and Harlow taken alone or in any combination.

The rejection of **claim 5** will be discussed below. Arguments similar to those submitted in support of **claim 5** are submitted in support of **claim 52**. Kugell and Brennan do not disclose or suggest retrying a number associated with a previously unanswered call leg.

For at least the foregoing reasons, **claim 52**, as well as **claim 50**, which depends therefrom, is not anticipated and is obvious in light of Kugell and Brennan taken alone or in any combination.

**Claims 5, 22, 23, 39 and 40** were rejected under 35 U.S.C. §103(a) as being unpatentable over Kugell in view of Brennan.

In explaining the rejections of **claims 5, 22 and 39**, the Office Action stipulates that Kugell does not disclose processing and routing a second outgoing call leg to a corresponding secondary directory number associated with a previously unanswered outgoing call leg. The Office Action asserts that Brennan discloses routing the call to a secondary directory number ("other devices such as pager, a messaging system, or operator") associated with the previously unanswered call ("possible destinations for completing calls when a subscriber can't be reached") and directs the attention of the Applicants to column 6, lines 5-46. However, Brennan is concerned with a system for tracking down a particular subscriber and is unconcerned with conference calling. In this regard, it is respectfully submitted, Brennan is non-analogous art. In the system of Brennan, calls to a personal number assigned to the subscriber are routed to a PCS service node which will reroute the call according to the subscriber's service profile stored in the database. Table 2 (column 6, lines 8-24) shows that the subscriber may set a number of rings before the PCS system attempts to contact the subscriber by other means. For example, five rings are allowed at a home number, three rings are allowed at an office number, two rings are allowed at a car or mobile number and five rings are allowed at a cottage. Brennan does not disclose or suggest that any of these numbers should be retried. It is respectfully submitted that a subscriber may find retries annoying. If a subscriber does not answer after five rings at a home number, the subscriber may not want to take a call at the present time. The Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of routing a second outgoing call leg to a corresponding secondary directory number associated with a previously unanswered call as taught by Brennan. However, as indicated in the Office Action, Brennan does not disclose routing a second outgoing call leg to a corresponding secondary directory number associated with the previously unanswered call. Instead, Brennan discloses trying other numbers. It is respectfully submitted that the only motivation to retry a secondary directory number associated with an unanswered call is found in the present application. Therefore, the rejection of **claims 5, 22 and 39** are based on impermissible hindsight.

For at least the foregoing reasons, **claims 5, 22 and 39**, as well as **claims 6, 8, 9, 19, 20, 21, 23, 37, 38 and 40**, which depend respectively therefrom, as well as **claim**

**52** which has been placed in independent form and which was rejected for the same reason as **claim 5**, are not anticipated and are not obvious in light of Kugell and Brennan taken alone or in any combination.

**Claims 23 and 40** were rejected for the same reasons as those asserted in the rejection of **claim 6**. Arguments similar to those submitted in support of **claim 5** are submitted in support **claims 23, 40 and 6**. Kugell and Brennan do not disclose or suggest processing and routing a second outgoing call leg to a corresponding secondary directory number associated with the previously unanswered outgoing call leg. Therefore, Kugell and Brennan can not disclose or suggest when the secondary outgoing call leg has not been answered prior to an expiration of a third predetermined period of time, releasing the second outgoing call leg.

For at least the foregoing additional reasons, **claims 23, 40 and 6** are not anticipated and are not obvious in light of Kugell and Brennan taken alone or in any combination.

#### **Telephone Interview**

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.



### CONCLUSION

Claims 5-11, 13, 15-27, 29-34, 37-40, 44-57 remain in the application. Claims 5, 7, 8-11, 13, 15-22, 24-27, 29-34, 37-39, 44-57 have been amended. Claims 1-4, 12, 14, 28, 35, 36, 41-43 have been canceled. For at least the foregoing reasons, it is respectfully submitted that the application is in condition for allowance. An early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

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Date

  
Joseph D. Dreher, Reg. No. 37,123  
Thomas Tillander, Reg. No. 47,334  
1100 Superior Avenue  
7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582


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